

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

SELECTIVE WAY INSURANCE COMPANY,

Plaintiff,

v.

ROSEANNE BROWNING APPLE., *et al.*,

Defendants.

CASE NO. 3:13-cv-00042

ORDER

JUDGE NORMAN K. MOON

This matter was tried before the Court without a jury on July 28, 2015. For the reasons explained in the accompanying Memorandum Opinion setting forth the Court's findings of fact and conclusions of law, the Court finds that defendants and counter claimants Roseanne Browning Apple, Earl Eugene Hoar, Building Industries, Inc., and Progressive Gulf Insurance Company are entitled to judgment in their favor against plaintiff Selective Way Insurance Company. Accordingly, it is hereby **ORDERED** as follows:

1. Selective Way Insurance Company has the duty to defend Roseanne Browning Apple in connection with respect to any lawsuit brought against her relating to the May 18, 2012 accident, as Mrs. Apple is an insured under Commercial General Liability Policy No. 190933802 by operation of the Virginia Omnibus Clause, Va. Code. § 38.2-2204.
2. Progressive Gulf Insurance Company's Motion for Joinder (docket no. 111) is **GRANTED**.
3. Roseanne Apple and Building Industries, Inc.'s Motion in Limine (docket no. 73) is **DENIED AS MOOT**.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

It is so **ORDERED**.

An appropriate Order accompanies this Memorandum Opinion.

Entered this 5th day of September, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE